

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RECEIVED  
LP  
MAY 11 2012  
5-11-12  
THOMAS G. BRUTON  
CLERK U.S. DISTRICT COURT

Jacqueline Johnson

(Name of the plaintiff or plaintiffs)

v.

Chgo Board of Ed

(Name of the defendant or defendants)

CIVIL ACTION

12-cv-3670

Judge Matthew F. Kennelly  
Magistrate Judge Arlander Keys

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Jacqueline Johnson of the  
county of COOK in the state of ILL.

3. The defendant is City of Chgo Board of Ed, whose  
street address is 125 S. Clark street.

(city) Chgo (county) COOK (state) ILL (ZIP) 60617

(Defendant's telephone number) 773-553-1000

4. The plaintiff sought employment or was employed by the defendant at (street address)

8700 S. Michigan (city) Chgo

(county) COOK (state) ILL (ZIP code) 60617

5. The plaintiff [*check one box*]

- (a) ☒ was denied employment by the defendant.  
(b) ☐ was hired and is still employed by the defendant.  
(c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,  
(month) 12, (day) 10, (year) 2010.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☒ *has not* ☐ *has* filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☐ the United States Equal Employment Opportunity Commission, on or about  
(month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

(ii) ☐ the Illinois Department of Human Rights, on or about  
(month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☐ YES. ☐ NO, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)\_\_\_\_\_ (day)\_\_\_\_\_ (year)\_\_\_\_\_

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)\_\_\_\_\_  
(day)\_\_\_\_\_ (year)\_\_\_\_\_.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued  
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a  
*Notice of Right to Sue*, which was received by the plaintiff on  
(month) 0 (day) 13 (year) 2012 a copy of which  
*Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☒ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☒ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☒ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): \_\_\_\_\_
-

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Failure to return to work - 12-15-10, because  
of my disability, herniated disk  
B I am an individual w/ a disability as defined  
by the Ill Human Rights Act.  
Respondant was aware of my disability  
my job performance meets Respondant's  
expectation. I was re-hired in June 2013

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☐ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff  
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.  
(b) ☐ Direct the defendant to re-employ the plaintiff.  
(c) ☐ Direct the defendant to promote the plaintiff.  
(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.  
(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.  
(f) ☐ Direct the defendant to (specify): \_\_\_\_\_

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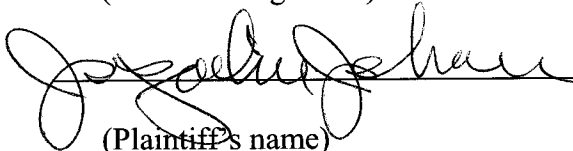
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- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)



(Plaintiff's name)

Jacqueline Johnson

(Plaintiff's street address)

10305 S. Bensley Ave.

(City) Chicago (State) Ill (ZIP) 60617

(Plaintiff's telephone number) 773-808-4101

Date: ~~4-27~~ 5-13-12

EEOC Form 161 (11/09)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Jacqueline Johnson**  
**10305 S Bensley Ave**  
**Chicago, IL 60617**

From: **Chicago District Office**  
**500 West Madison St**  
**Suite 2000**  
**Chicago, IL 60661**

866-814 1113  
 A  
 US Attorney  
 General  
 office



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

21B-2011-01677

**Armernola P. Smith,**  
**State & Local Coordinator**

(312) 869-8082

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*John P. Rowe/mph*

February 13, 2012

Enclosures(s)

**John P. Rowe,**  
**District Director**

(Date Mailed)

cc:

**CITY OF CHGO BOARD OF ED**  
**125 S Clark Street**  
**Chicago, IL 60609**

**Jesse L. Jackson, Jr.**  
**U.S. Congressman**  
**2<sup>nd</sup> Congressional District of Illinois**

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.

# 11W1215.17

AGENCY

☒ IDHR☐ EEOC

CHARGE NUMBER

2011CF3249

**Illinois Department of Human Rights and EEOC**

NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.)

Ms. Jacqueline Johnson

TELEPHONE NUMBER (include area code)

(773) 808-4101

STREET ADDRESS

CITY, STATE AND ZIP CODE

10305 S. Bensley Avenue

Chicago, Illinois 60617

DATE OF BIRTH

M D YEAR

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME OF RESPONDENT

City of Chicago Board of Education

NUMBER OF  
EMPLOYEES,  
MEMBERS  
15+

TELEPHONE NUMBER (include area code)

(773)553-1000

STREET ADDRESS

CITY, STATE AND ZIP CODE

125 S. Clark Street

Chicago, Illinois 60609

COUNTY

Cook

CAUSE OF DISCRIMINATION BASED ON:

Disability

DATE OF DISCRIMINATION  
EARLIEST (ADEA/EPA) LATEST (ALL)

12/15/10

☐ CONTINUING ACTION

THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS:

## I. A. ISSUE/BASIS

FAILURE TO RETURN TO WORK -DECEMBER 15, 2010, BECAUSE OF MY DISABILITY, HERNIATED DISK

## B. PRIMA FACIE ALLEGATIONS

1. I am an individual with a disability as defined by the Illinois Human Rights Act.
2. Respondent was aware of my disability.
3. My job performance meets Respondent's expectations. I was re-hired in June 2003.

Page 1 of 2

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 3rd DAY OF May, 2011

NOTARY SIGNATURE

OFFICIAL SEAL  
RAQUEL C GUERRA  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 04/12/12

NOTARY STAMP

SIGNATURE OF COMPLAINANT

DATE

I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.



Charge Number: 2011CF3249

Complainant: Jacqueline Johnson

Page 2 of 2

3. On or about December 15, 2010, Respondent failed to allow me to return to work from disability leave. No reason was given.
4. My disability unrelated to my ability to perform the essential functions of my job with or without an accommodation.

MFP/amm